

**Introduced by Senators Benoit and Huff
(Principal coauthor: Senator Padilla)**

February 26, 2009

An act to add Section 4576 to the Penal Code, relating to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 434, as introduced, Benoit. Correctional facilities: wireless communication devices.

Existing law establishes various offenses relating to the unauthorized provision of specified items to persons confined in local and state correctional facilities.

This bill would provide, subject to exceptions, that any person who is in possession of, or who willingly and knowingly delivers, or attempts to deliver, to any person who is confined in, or within the grounds belonging to or adjacent to, any state prison, prison road camp, prison forest camp, any other prison camp or prison farm, or any other place where prisoners are located and under the custody of the Department of Corrections and Rehabilitation, any cellular telephone or other wireless communication device, is guilty of a felony.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4576 is added to the Penal Code, to read:
2 4576. Except as otherwise authorized by law, or when
3 authorized by the person in charge of the prison or other institution
4 subject to this section, or by an officer of the institution empowered
5 to give that authorization, any person who is in possession of, or
6 who willingly and knowingly delivers, or attempts to deliver, to
7 any person who is confined in, or within the grounds belonging to
8 or adjacent to, any state prison, prison road camp, prison forest
9 camp, any other prison camp or prison farm, or any other place
10 where prisoners are located and under the custody of the
11 Department of Corrections and Rehabilitation, any cellular
12 telephone or other wireless communication device, is guilty of a
13 felony.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.